IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14789 of 2005

Between:

Meera Mohammad, s/o Abdul Gafoor,
r/o Chakirala Village, Kanigiri Mandal, Prakasam District.

..... PETITIONER

AND

1 District Collector, Prakasam District, at Ongole.
2 The Revenue Divisional officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kanigiri Mandal, Prakasam District.
4 The Station House Officer, Kanigiri Police Station, Kanigiri, Prakasam District.
5 Smt.S.Satyavathamma, w/o Gopala Krishna Murthy,
Mukkukasireddygari Street, Kothapeta, Kanigiri, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of writ of mandamus, declaring the action of the respondents in trying to dispossess the petitioner from the land situate in Sy.No.490/2 to an extent of Ac.9.43 cents of Kanigiri Village and Mandal of Prakasam District even during the pendency of the representation dated 20-04-2005 with the respondents 1 to 3 as being illegal, arbitrary, violative of principles of natural justice, besides Articles 14, 16 21 and 300-A of the Constitution of India, and consequently direct the 4th & 5th respondents not to dispossess the petitioner from the above referred property without following the due process of law with a further direction to the respondents to dispose of the representation dated 20-4-2005 forthwith.

Counsel for the Petitioner: MR.V.BRAHMAIAH CHOWDARY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 3.

In this writ petition, the petitioner seeks to declare the action of the respondents in trying to dispossess him from Ac.9-43 cents of land situated in survey No.490/2 of Kangiri village and Mandal of Prakasam District even during the pendency of his representation dated 20-4-2005 with respondent Nos.1 to 3, as illegal and arbitrary, and consequently to direct respondent Nos.4 and 5 not to dispossess him from the land without following the due process of law.

The petitioner states that he has been in peaceful possession and enjoyment of the land in question for the last 50 years. He also states that the 5th respondent taking the help of some anti-social elements has been claiming the land in question as of hers and threatening him to vacate the same, without resorting to legal procedure contemplated under law. Thereupon he made a representation, dated 20-4-2005 to respondent Nos.1 to 3 seeking protection from the illegal interference caused by the 5th respondent, but they have not taken any action so far. While so, the 4th respondent at the instigation of the 5th respondent has been harassing him to vacate the land in question, by calling him to the police station frequently. Assailing the action of respondent Nos.1 to 3 in not taking any action pursuant to his representation and the consequent action of respondent Nos.4 and 5 in trying to evict him from the land in question without the due process of law, the petitioner filed this writ petition.

Though the petitioner claims that he has been in possession and enjoyment of the land in question, no material is filed to substantiate his possession. Therefore, I see no merits in this writ petition. Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs.

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E.DHARMA RAO, J

Date:08.07.2005

MRKR

To

1 District Collector, Prakasam District, at Ongole.
2 The Revenue Divisional officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kanigiri Mandal, Prakasam District.
4 The Station House Officer, Kanigiri Police Station, Kanigiri, Prakasam District.

5 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.